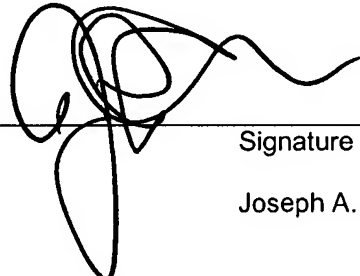


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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)
Application Number 10/811,306		Filed March 29, 2004
First Named Inventor KUBO		
Art Unit 2629		Examiner Zubajlo, Jennifer L.
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> Applicant/Inventor</p> <p><input type="checkbox"/> Assignee of record of the entire interest. See 37 C.F.R. § 3.71. Statement under 37 C.F.R. § 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> Attorney or agent of record 37,515 (Reg. No.)</p> <p><input type="checkbox"/> Attorney or agent acting under 37CFR 1.34. Registration number if acting under 37 C.F.R. § 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.*</p> <p><input checked="" type="checkbox"/> *Total of 1 form/s are submitted.</p>		



Signature

Joseph A. Rhoads

Typed or printed name

703-816-4043

Requester's telephone number

January 14, 2008

Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

KUBO, M.

Atty. Ref.: 1035-503; Confirmation No. 9652

Appl. No. 10/811,306

TC/A.U. 2629

Filed: March 29, 2004

Examiner: Zubajlo, Jennifer L.

For: LIQUID CRYSTAL DISPLAY DEVICE AND ELECTRONIC DEVICE

* * * * *

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to the OG Notice of July 12, 2005, applicant hereby requests a pre-appeal brief review of this case for at least the following reasons.

In the final rejection dated September 26, 2007, claim 1 stands rejected under Section 102(b) as being allegedly anticipated by Mosier (US 5,489,918). This section 102(b) rejection is respectfully traversed for at least the following reasons.

The invention of claim 1 relates to a VA-type LCD, whereas Mosier relates to a TN-type LCD (e.g., see Mosier at col. 1, line 28, and Figs. 3-4; and the instant specification from pg. 3, line 15 to pg. 5, line 4). TN and VA type LCDs are much different from one another optically. In a VA type LCD, the liquid crystal molecules are substantially vertically aligned when no voltage is applied or in the OFF state. In contrast, in a TN LCD, the liquid crystal molecules are twisted (e.g., about 90 degrees) when no voltage is applied or in the OFF state. While claim 1

does not state “vertically aligned”, it expressly requires the display “when both of transmittance at the front and transmittance at an oblique angle are 1 in white display, having such display characteristics that transmission intensity at the oblique viewing angle is larger than transmission intensity at the front.” E.g., see pgs. 30-32 and Fig. 8 of the instant specification. This expressly recited feature in claim 1 is a characteristic of VA-type LCDs, but not TN-type LCDs. In other words, claim 1 is limited to VA type LCDs, and does not cover TN type LCDs.

Mosier fails to disclose or suggest the aforesaid quoted subject matter of claim 1, and cannot anticipate the claim. In particular, Moser relates to a TN type LCD, and thus fails to disclose or suggest “when both of transmittance at the front and transmittance at an oblique angle are 1 in white display, having such display characteristics that transmission intensity at the oblique viewing angle is larger than transmission intensity at the front” as recited in claim 1. Moreover, because TN and VA type LCDs are very different from one another, there would have been no reason to modify Mosier to meet claim 1. Indeed, if Mosier were modified to be a VA type LCD, then Mosier’s driving scheme likely would not work properly.

Moreover, it is well established that when the claimed invention is not identically disclosed in a reference, and instead requires picking and choosing among a number of different options or embodiments disclosed by the reference, then the reference does not anticipate. *See Akzo N.V. v. United States Int’l Trade Commission*, 808 F.2d 1471, 1480 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1987); *In re Arkley*, 455 F.2d 586, 587-88 (CCPA 1972).¹ Thus, as a matter of law, it is clearly improper to pick and choose different features from different embodiments in a reference in making an anticipation rejection as done in the Office Action.

¹ *See also GNB Battery Techs., Inc. v. Exide Corp.*, No. 95-1248, 1996 U.S. App. LEXIS 3200, at *6-8 (Fed. Cir. 1996) (unpublished) (no suggestion for combining different embodiments of a reference).

The Examiner on page 9 of the Office Action argues that Mosier states that there are several types of LCDs, and thus the aforesaid requirement of claim 1 is met. This argument lacks merit. Columns 1-2 of Mosier make clear that Moser is referring to segmented type, matrix type, active matrix type, passive type, and color LCDs as the different “types.” There is no mention, disclosure or suggestion of a VA type LCD in Mosier. Because there is no mention of VA type LCDs in Mosier, the reference cannot possibly relate to solving the problem solved by applicant which is particular to VA-type LCDs. Moser is unrelated to claim 1 in these respects.

Claims 14-15 also recite “when both of transmittance at the front and transmittance at an oblique angle are 1 in white display, having such display characteristics that transmission intensity at the oblique viewing angle is larger than transmission intensity at the front.” As explained above, Mosier fails to disclose or suggest this subject matter.

For purposes of example and without limitation, certain example embodiments of this invention utilize LC operating in a vertically aligned mode which has wider viewing angle characteristics than LC operating in the twisted nematic (TN) mode. The aforesaid language recites a feature of a vertically aligned mode type LCD. This realizes switching between viewing characteristics on a display screen by changing contrast and grey scale expressing capability of a LC panel, taking advantage of excess brightness on the lower end of the grey scale (on the side of black display) at the oblique viewing angle(s) and grey scale degradation (in a severe case, grey scale inversion) on the higher end of grey scale (on the side of white display) at the oblique viewing angle(s), which are demerits of LC operating in the VA mode. That is, certain example embodiments of this invention use an LC panel having unique display characteristics, which control the range of viewing angle characteristics by taking advantage of such display characteristics of the panel.

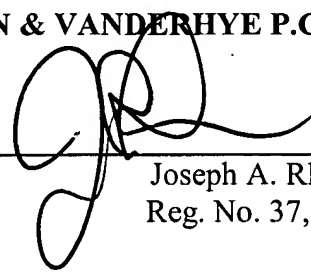
KUBO, M.
Appl. No. 10/811,306

It is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

Respectfully submitted,

NIXON & VANDERHYTE P.C.

By: _____



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